

EPA'S RESOURCE CONSERVATION CHALLENGE

HEARING
BEFORE THE
SUBCOMMITTEE ON ENVIRONMENT AND
HAZARDOUS MATERIALS
OF THE
COMMITTEE ON ENERGY AND
COMMERCE
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTH CONGRESS
SECOND SESSION

MAY 20, 2004

Serial No. 108-81

Printed for the use of the Committee on Energy and Commerce



Available via the World Wide Web: <http://www.access.gpo.gov/congress/house>

U.S. GOVERNMENT PRINTING OFFICE

93-977PDF

WASHINGTON : 2004

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON ENERGY AND COMMERCE

JOE BARTON, Texas, *Chairman*

W.J. "BILLY" TAUZIN, Louisiana	JOHN D. DINGELL, Michigan
RALPH M. HALL, Texas	<i>Ranking Member</i>
MICHAEL BILIRAKIS, Florida	HENRY A. WAXMAN, California
FRED UPTON, Michigan	EDWARD J. MARKEY, Massachusetts
CLIFF STEARNS, Florida	RICK BOUCHER, Virginia
PAUL E. GILLMOR, Ohio	EDOLPHUS TOWNS, New York
JAMES C. GREENWOOD, Pennsylvania	FRANK PALLONE, Jr., New Jersey
CHRISTOPHER COX, California	SHERROD BROWN, Ohio
NATHAN DEAL, Georgia	BART GORDON, Tennessee
RICHARD BURR, North Carolina	PETER DEUTSCH, Florida
ED WHITFIELD, Kentucky	BOBBY L. RUSH, Illinois
CHARLIE NORWOOD, Georgia	ANNA G. ESHOO, California
BARBARA CUBIN, Wyoming	BART STUPAK, Michigan
JOHN SHIMKUS, Illinois	ELIOT L. ENGEL, New York
HEATHER WILSON, New Mexico	ALBERT R. WYNN, Maryland
JOHN B. SHADEGG, Arizona	GENE GREEN, Texas
CHARLES W. "CHIP" PICKERING, Mississippi, <i>Vice Chairman</i>	KAREN MCCARTHY, Missouri
VITO FOSSELLA, New York	TED STRICKLAND, Ohio
STEVE BUYER, Indiana	DIANA DEGETTE, Colorado
GEORGE RADANOVICH, California	LOIS CAPPS, California
CHARLES F. BASS, New Hampshire	MICHAEL F. DOYLE, Pennsylvania
JOSEPH R. PITTS, Pennsylvania	CHRISTOPHER JOHN, Louisiana
MARY BONO, California	TOM ALLEN, Maine
GREG WALDEN, Oregon	JIM DAVIS, Florida
LEE TERRY, Nebraska	JANICE D. SCHAKOWSKY, Illinois
MIKE FERGUSON, New Jersey	HILDA L. SOLIS, California
MIKE ROGERS, Michigan	CHARLES A. GONZALEZ, Texas
DARRELL E. ISSA, California	
C.L. "BUTCH" OTTER, Idaho	
JOHN SULLIVAN, Oklahoma	

BUD ALBRIGHT, *Staff Director*

JAMES D. BARNETTE, *General Counsel*

REID P.F. STUNTZ, *Minority Staff Director and Chief Counsel*

SUBCOMMITTEE ON ENVIRONMENT AND HAZARDOUS MATERIALS

PAUL E. GILLMOR, Ohio, *Chairman*

RALPH M. HALL, Texas	HILDA L. SOLIS, California
JAMES C. GREENWOOD, Pennsylvania	<i>Ranking Member</i>
HEATHER WILSON, New Mexico	FRANK PALLONE, Jr., New Jersey
VITO FOSSELLA, New York	ALBERT R. WYNN, Maryland
<i>(Vice Chairman)</i>	LOIS CAPPS, California
STEVE BUYER, Indiana	MICHAEL F. DOYLE, Pennsylvania
GEORGE RADANOVICH, California	TOM ALLEN, Maine
CHARLES F. BASS, New Hampshire	JANICE D. SCHAKOWSKY, Illinois
JOSEPH R. PITTS, Pennsylvania	CHARLES A. GONZALEZ, Texas
MARY BONO, California	PETER DEUTSCH, Florida
LEE TERRY, Nebraska	BOBBY L. RUSH, Illinois
MIKE ROGERS, Michigan	BART STUPAK, Michigan
DARRELL E. ISSA, California	GENE GREEN, Texas
C.L. "BUTCH" OTTER, Idaho	JOHN D. DINGELL, Michigan,
JOHN SULLIVAN, Oklahoma	(Ex Officio)
JOE BARTON, Texas,	
(Ex Officio)	

CONTENTS

	Page
Testimony of:	
Hale, Matthew, Deputy Director, Office of Solid Waste; accompanied by David S. Hockey, Director of Resource Conservation Challenge, U.S. Environmental Protection Agency	7
Additional material submitted for the record:	
Environmental Protection Agency, response to questions asked during the hearing	25

EPA'S RESOURCE CONSERVATION CHALLENGE

THURSDAY, MAY 20, 2004

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON ENVIRONMENT
AND HAZARDOUS MATERIALS,
Washington, DC.

The subcommittee met, pursuant to notice, at 1:30 p.m., in room 2322, Rayburn House Office Building, Hon. Paul E. Gillmor (chairman) presiding.

Members present: Representatives Gillmor, Buyer, Otter, Barton (ex officio), Solis, and Capps.

Staff present: Michael Abraham, legislative clerk; Jerry Couri, policy coordinator; Mark Menezes, majority counsel; Michael Abraham, legislative clerk; and Richard Frandsen, minority counsel.

Mr. GILLMOR. The subcommittee will now come to order.

I would like to first welcome Mr. Hale and Mr. Hockey of the EPA. We are delighted to have you here today.

And today's hearing focuses on the U.S. EPA's Resource Conservation Challenge. This program, which began in 2002, is a major national effort to find flexible, yet protective, ways to conserve our natural resources. It challenges all Americans, whether they be makers of goods, sellers of goods or buyers of goods, to prevent pollution and promote recycling and the re-use of materials and to reduce the use of toxic chemicals and to preserve energy and materials.

EPA estimates that, in 2001, 288 million Americans generated almost 230 million tons of municipal solid waste. That means that the average person creates 4.4 pounds of waste each day, which essentially means that, within 1 month, many of us have produced our own weight in trash.

In addition, EPA believes that industrial, commercial, and manufacturing processes produce around 7.6 billion tons of waste. Clearly, it takes a serious effort by several parties to make meaningful efforts to reduce waste and free up disposal capacity.

Currently, America uses a pollution management system that focuses on waste and emission outputs and on their safe disposal and control. While this system is designed to control waste, it does not emphasize minimizing waste and reducing toxins as a way of managing waste as a valuable resource.

The Resource Conservation Challenge is predicated upon successfully coaxing the public and private sector into partnerships that

see source reduction and waste minimalization as circular rather than linear activities.

The program is particularly interesting for two reasons. First, the Resource Conservation Challenge consists of voluntary programs and projects that place the end result, not the processes involved, as a main focus of the program. This is a clear departure from the legal structure and implementation that has underpinned environmental law in this country over the last 30 years. It should be encouraged if real progress is being made.

With a limited amount of resources that our Federal, State, local, and private sectors have to address societal problems, it only makes sense that we find more cost-effective ways to achieve greater environmental protection.

In addition, the Resource Conservation Challenge is built on creating smarter partnerships, whether it is educational, research, or outreach in a community, or efforts to reduce certain wastes. Efforts such as these—flexible, practical, and innovative—are the engines of progress. They are making environmental programs better, improving the quality of life, preserving the beauty and the use of our environment for our families and others. We should not only understand the impact they are making, but we must also provide them with a helping hand and with tools to encourage performance and innovation.

I believe that honesty, respect, responsibility and accountability must be the cornerstones of a new partnership between Federal programs and State and local Government. With these steps, we can make dramatic improvements for health, for the economy and for the environment.

So I look forward to our testimony today.

I would like to recognize the gentlewoman from California, Mrs. Capps, for the purpose of an opening.

Mrs. CAPPS. I thank you, Mr. Chairman, for calling this hearing on a very important topic, and to our guests who are here to give witness testimony. I would like to have an opening statement.

As we all know, this country, our country, is far and away the largest generator of waste of any nation on earth. According to the Environmental Protection Agency, American consumers produced 230 million tons of municipal solid waste in 2001 and, as my colleague has said, this means about 4.4 pounds of trash, per day, per individual. Beyond what we produce individually, the industrial, commercial, and manufacturing industries turn out around 7.6 billion tons of waste each year.

One of the most effective solutions to this problem, of course, is recycling. By using what would otherwise be thrown away, recycling eases the burden on landfills and incinerators while at the same time saving money, creating jobs and protecting the environment. Today, more Governments, businesses, and households are recycling and using more recycled materials than ever before. That is great news, but we can do so much more.

I was pleased to learn that EPA has initiated the Resource Conservation Challenge to help boost recycling rates, and I am told this program aims to boost the national recycling rate from 30 to at least 35 percent by 2005. This is a goal that was introduced during the Clinton Administration, so we have been at it for a while.

According to EPA, our current recycling rate is just over 30 percent. In 1980, about 10 percent of the municipal solid waste stream was diverted to recycling. By 1990, the figure had grown to 16 percent. By the end of the Clinton Administration, the rate had climbed to 2.6 percent.

So after years of rapid growth, why has our Nation's recycling rate leveled off? That is the question, I think, which is an important one and which needs to be answered.

Mr. Chairman, we need to figure out what we are going to do with the other 70 percent of paper, cardboard, glass, metals, plastics, rubber, food, yard trimmings and other wastes that are still incinerated or buried in landfills each year, endangering our Nation's air and water quality. In our search for the right answers, I would like to point out two examples from Santa Barbara County, part of my district, and as example of how, sometimes, the best ideas come from the local communities. They achieved a recycling rate of 59 percent in 2002. They are committed to even greater recycling in the coming years through the support of local recycling efforts led by the Community Environmental Council and MarBorg Industries. These are the two organizations I would like to highlight.

Today, CEC, the Community Environmental Council, is one of the few non-profit organizations in the Nation remaining in the recycling business. They established many years ago two full-time buy-back centers and run collective programs for schools, businesses, non-profits, and residential properties.

MarBorg Industries is also a national leader in recycling services. Under the leadership of Mario Borgatello, MarBorg is the largest single source of recycling in our county, processing 500 tons of material per day, recycling 70 percent of all waste that Santa Barbara collects. I think it is noteworthy that this is a fifth-generation, family operated business in our community that started recycling long before there was ever a household word called recycling.

Recently, MarBorg broke ground—and I was there—on a new recycling facility that will divert more waste from our county's landfills, putting recycling waste to economically productive uses, creating new industries and jobs along the way. I stood along the assembly line and watched them as the trucks came filled with all kinds of things from construction sites and watched the people sift off different ingredients that could be recycled. And the amount that came in compared to what was left at the end was stunning to observe. It was really an interesting process for me to see.

It is such a good program, by the way, that the non-profit organization that started recycling in our county has given over its recycling efforts to this local industry, because they have demonstrated such success along this line.

I commend these two long-time Santa Barbara County institutions for recognizing that recycling and re-use is a net gain for the local economy and the environment. These practices prove what people on our central coast of California have been saying for years: What is good for the environment is also good for business.

So I look forward to working with this subcommittee to support these efforts and increase waste prevention and encourage the public's faith and enthusiasm in recycling. Thank you.

Mr. GILLMOR. Thank you.

The Chair now recognizes the chairman of the full committee, Mr. Barton.

Chairman BARTON. Well, thank you, Mr. Chairman.

I am going to submit my statement for the record.

[The prepared statement of Hon. Joe Barton follows:]

PREPARED STATEMENT OF HON. JOE BARTON, CHAIRMAN, COMMITTEE ON ENERGY
AND COMMERCE

Thank you Mr. Chairman for holding this oversight hearing on a very important program currently underway at EPA. It is always a good thing when we can gather in a hearing setting to tell a positive story of how an agency program is producing solid, measurable results.

So often we get lost in the details about what is still wrong with our environment, that we lose perspective on the big picture. We forget to highlight the positive areas that exemplify just how far our nation has come in the past three decades of environmental policy. The program that is the subject of today's hearing is just one example of the progress we have made. It encompasses many solid ideas and innovative strategies that I believe can work when addressing environmental protection such as energy conservation and product stewardship.

With all of this progress, I believe our environmental programs still face two challenges. First, we must be smarter. We must improve and modernize our programs so that they are based on sound science and sound economics. At the same time we need a new focus on partnership. To often we rely on federal government to solve our problems. We must understand where the real energy of practical and innovative thinking is. State and local efforts, as well as efforts within industry, are the engines of progress. They are making environmental programs better, improving the quality of life, and preserving the beauty and uses of our environment for ourselves and our families. The Resource Conservation Challenge addresses these issues head on and, as we will find out today, the early indications are that it is producing significant results.

The RCC is built on the idea of partnership. It is a major cross-agency initiative that identifies and uses innovative, flexible, and protective ways to conserve natural resources. Different types of RCC partnerships exist between private entities and the government. These partnerships save energy, reduce greenhouse gases, create jobs, and grow the economy, all resulting in better protection of human health and the environment.

This Committee, and indeed the House, has passed legislation that encompasses many of the ideas in this program in the yet-to-be-enacted H.R. 6 conference report, still hung up in the Senate. By promoting efficiency and conservation, the energy bill offers financial incentives for renewable energy companies and provides leadership in energy conservation by establishing new mandatory efficiency requirements for federal buildings and efficiency standards and product labeling for large household appliances. It is my sincere hope that both the measures contained in HR 6 and the ideas and strategies being implemented in this program will yield further results for our nation's energy and environmental policy.

I look forward to hearing from the witnesses and thank you again for holding this hearing.

Chairman BARTON. I want to welcome our witness, with his assistant, to the committee.

It is good to know that the EPA is working on a number of programs on a voluntary basis that appear to be being met with a very positive reaction out in the public. I want to commend the gentleman for holding the program. I am going to yield on any questions, but I am going to stay and listen for some time, so I yield back.

Mr. GILLMOR. Thank you very much, Mr. Chairman.

The gentlewoman from California, Ms. Solis. We are well represented by Californians today.

Ms. SOLIS. Thank you, Mr. Chairman.

Thank you for the opportunity to speak before our witnesses and also have the chance to hear from them.

I want to thank Mr. Hale and Mr. Hockey for coming today.

Before we get started on the discussion of recycling, I do want to mention that I am extremely displeased and disappointed that the subcommittee has still not talked about the State Revolving Loan Fund, the lead in drinking water, and interstate waste, just a few important subcommittee items that I think we should be really looking at and focusing on.

The refusal of the subcommittee to take action on these issues has had a direct impact on some of my constituents, and I will give you an example. If we were to authorize the State Revolving Loan Fund in California, we could be eligible for up to \$15 million per year. And \$15 million per year for the State, like many States that are struggling with their budgets, would greatly help to guarantee clean water and make sure that it is available for all Californians.

Recycling is an important issue in my community, and something that everyone, from individuals to industry, could benefit from. Industry is increasingly dependent on recycling. Sixty-seven percent of the steel industry uses scrap steel; 42 percent of the aluminum industry is fed by scrap aluminum; and 38 percent of the paper industry is fed by secondary fiber.

Mr. Chairman, 25,000 jobs could be created in California's manufacturing sector. In fact, we lost about 20,000 jobs in California, and 25,000 could be created in sorting and processing from the strengthening of the recycling market, not to mention the benefits to the environment and the public health from recycling.

In my district alone, we have five operating landfills, and one that is closed. The sites have different effects on the businesses there and the surrounding communities, and a number of sites nationwide are in residential areas. Some of these landfills are also situated very closely to households. Recycling, putting less waste in these landfills, could make a big difference in the quality of life and public health for working families that live in my community.

Despite the benefits, though, it seems that this country is moving backward. In 2002, recycling of beverage containers dropped from 37 percent to nearly 20 percent from what it was in 1992. And in California, our State has failed to meet its goal of reducing, by 50 percent, waste sent to landfills for the third consecutive year. This year was the first time since 1989 the amount of waste being diverted from landfills in California actually decreased.

It is my understanding that EPA is failing to meet its own national recycling goal of 35 percent. This leads me to a question to ask the EPA and, particularly this program, the Challenge program. While I respect voluntary programs that work, I am concerned that voluntary measures and partnerships are not the only steps that EPA should be promoting.

Mr. Hale, I would like to hear, when you have a chance, you give us some concrete steps that the program is taking to achieve national recycling goals. I would also like to hear about the concrete steps that you are taking to ensure that appropriate standards for recycling are met.

I also hope, Mr. Chairman, that in the future, our subcommittee will be able to begin the discussion on the Revolving Loan Fund, lead, interstate waste, and all of the other issues that we need to be more focused on.

Thank you. I yield back my time.

Mr. GILLMOR. The gentlewoman yields back.

The gentleman from Idaho, Mr. Otter.

Mr. OTTER. Thank you, Mr. Chairman.

Mr. Chairman, I think we do have a lot to celebrate here, unlike the two gentlewomen from California.

We have had a lot more success in Idaho because, perhaps, I guess maybe we care a lot more about Idaho than—and we do not need the Federal Government coming and telling us at every turn and every corner exactly how to keep our State clean. In fact, we would like to invite less involvement from outside the State from time to time than we get.

But we do have something to celebrate here today, and I think that the Resource Conservation Challenge has been very successful. In fact, so successful that I think we ought to move it up another step. There has been lots of occasions in Idaho where, if a person were to uncover a situation which was problematic, if reported during the late 1990's to the EPA, they simply did not report. They simply did not—in fact, covered it up just as quickly as they could and made sure that nobody, no official was ever notified of it, because they knew if they reported it to the EPA, there would be hell to pay. Not only would they probably lose some private property rights, not only would they probably end up with some sort of a mini-Superfund site, but in fact, they would probably be fined themselves and end up with some tremendous liabilities, even though it was not occasioned by themselves.

So I think having an Environmental Protection Agency that encourages a clean environment and leads people to make the right decisions is much more important than the heavy hand that we have seen in the past. Putting the fist of Government into the glove of courtesy, like the Clinton Administration did, especially in the Pacific Northwest, set the program back much further than this program has been set back in the last 2 years.

So I congratulate the EPA on the efforts that they have made thus far, and I encourage them to go forward. In fact, let us move on up the scale and work the same way on a voluntary basis with some of our larger industries.

Thank you, Mr. Chairman. I yield back.

[Additional statement submitted for the record follows:]

PREPARED STATEMENT OF HON. JOHN SULLIVAN, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF OKLAHOMA

Thank you Mr. Chairman, I appreciate your calling this hearing to consider the current effectiveness of the EPA's Resource Conservation Challenge program. As a member of this Subcommittee, I consider this hearing to be a very important part of acknowledging the accomplishments and addressing the future plan of the Resource Conservation Challenge (RCC).

Today, we will look at the existing and developing voluntary partnerships of the RCC. These partnerships have been tasked with providing smarter, faster, voluntary solutions that help to safeguard our environment. We will also examine the success of the program thus far and help chart the future of the RCC as they look for new innovative ways to protect our environment through the development of voluntary partnerships with businesses, other governments and non-government organizations.

I believe that maintaining the flexibility of the RCC is key to ensuring the success of the program to protect our national resources and find solutions to specific national environmental problems.

I look forward to hearing the EPA's recommendations on each of the RCC programs and the testimony from our distinguished panel here today. I yield back the balance of my time

Mr. GILLMOR. That concludes opening statements.

STATEMENT OF MATTHEW HALE, DEPUTY DIRECTOR, OFFICE OF SOLID WASTE; ACCOMPANIED BY DAVID S. HOCKEY, DIRECTOR OF RESOURCE CONSERVATION CHALLENGE, U.S. ENVIRONMENTAL PROTECTION AGENCY

Mr. GILLMOR. I do not know which of you two gentlemen wishes to go first.

Mr. Hale?

Mr. HALE. Yes, thank you. And I will be making the only formal statement here at this point.

I want to thank the Members of the committee for inviting me to today's hearing to discuss the Resource Conservation Challenge. I am Matt Hale, Deputy Director of the Office of Solid Waste, and with me is David Hockey, Director of the Resource Conservation Challenge. I have submitted written testimony that provides many details about the purpose, progress, and benefits of the RCC. We also have a PowerPoint presentation here for you on the video screens.

During the next few minutes, I would like to give you an overview of the RCC and how this agency program significantly advances the mission of the Resource Conservation and Recovery Act and the resource conservation goals of other statutes. At the suggestion of committee staff, I have brought a PowerPoint presentation, which I mentioned, and I hope it will help give you a pictorial understanding of the program.

For RCRA, we have a vision and a set of goals that, along with our State partners, we believe makes up the future of RCRA. Two of these goals directly address resource conservation. First, promote recycling and re-use. Second, reduce releases of hazardous chemicals. The RCC is one key program to help us reach these goals.

The problem we face is how to safely manage wastes while promoting, to the greatest extent practicable, resource conservation. Virgin materials, when processed, produce both positive outcomes and negative outcomes. They produce both products and pollution. In RCRA, both of these can lead to waste products at the end of their initial or intended life and pollution as it is released to the land.

In the last 20 years, we have put in place a cradle-to-grave safe-management program for RCRA, mainly focusing on the thin, red slice of the pie representing hazardous waste. The chart there represents the 1.6 billion tons of waste we talked about, with the red slice at the top being hazardous waste. As you can see, there is a lot more waste to manage in RCRA, both when it is disposed of and as a potential resource.

Although we started down the road to resource conservation, it is still considered by many as the unfinished business of RCRA. The path to finishing the business lies in promoting pollution prevention and the three Rs—re-use, reduce, recycle—preventing pri-

ority chemicals from being released into the environment and conserving energy and materials.

To accomplish this, we must maintain the cradle-to-grave system that is protecting and cleaning up our land. This approach, however, is inefficient when considering resource conservation, but it is and will always be the critical foundation to a cradle-to-cradle system of efficient materials management.

We have several illustrations of the concept, but in a cradle-to-cradle system, products and wastes hold considerable value as a resource, not as a burden. Virgin raw material inputs are minimized. Environmentally friendly products are carefully designed. Efficient processes are put in place. Re-use and recycling are maximized, and waste that cannot be prevented is safely managed. This is why we have invested in the Resource Conservation Challenge, to help us reach our vision of a cradle-to-cradle approach to materials management.

As mentioned earlier, the RCC is a program to bring agency alignment and focus to three goals: prevent pollution and promote recycling and re-use of materials; reduce the use of priority chemicals at all life-cycle stages; and increase energy and materials conservation.

How does the Resource Conservation Challenge do this? Within the agency and our region, the RCC championed six program elements: product stewardship; priority chemical reduction; “greening” the Government; beneficial use of materials; energy conservation; and environmentally friendly design. Under the RCC, our approach is largely to form voluntary partnerships with key stakeholders. However, an approach can also include guidance, standards, and regulations as necessary.

We have worked to align our resources and projects to support these program elements. The benefits of this investment in the unfinished business of resource conservation is paying off with measurable environmental benefits that go well beyond conserving virgin resources. For example, RCC projects are protecting human health and the environment, saving energy, reducing greenhouse gases, creating jobs, and growing our economy.

My written testimony and this table highlight several of the key projects delivering benefits in each program element.

As has been recognized inside and outside the agency, the Resource Conservation Challenge makes sense. To help provide the next steps, we are in the process of developing strategic plans with our stakeholders. These 3 to 5 year plans for the Resource Conservation Challenge will identify new targets and measures that will be incorporated into the agency’s overall 2003 to 2008 strategic plan. After incorporating the input of our RCRA stakeholders, we expect to release these plans next fall—or this fall.

I want to thank you for your time and will be happy to answer any questions you may have. Thank you.

[The prepared statement of Matthew Hale follows:]

PREPARED STATEMENT OF MATTHEW HALE, DEPUTY OFFICE DIRECTOR, OFFICE OF
SOLID WASTE, U.S. ENVIRONMENTAL PROTECTION AGENCY

INTRODUCTION

Mr. Chairman and members of the Subcommittee, thank you for inviting me to appear today to discuss EPA's Resource Conservation Challenge. When EPA launched the Resource Conservation Challenge in September of 2002, we set in motion a plan of action with a clear goal—to infuse new energy into one of the country's original waste management strategies. As the Agency stated nearly 2 years ago, the idea is to put the "Conservation and Recovery" back into the Resource Conservation and Recovery Act (RCRA). EPA believes this approach was clearly expected by Congress in its intent for RCRA to reverse the trend of "millions of tons of recoverable material which could be used [being] needlessly buried each year." What better way to manage wastes effectively than by eliminating them; by designing products and processes that minimize waste; by collecting waste products and reusing them; and by using all input materials more efficiently.

At its launch, the RCC pulled together many projects underway in different EPA offices, all working to conserve our natural resources. Today, almost two years later, the RCC has become a national program, challenging all of us to: prevent pollution and promote recycling and reuse of materials; reduce the use of toxic chemicals; and conserve energy and materials. In meeting these challenges, the RCC is helping us reach our human health and environmental quality goals in every Agency program and in every environmental medium. Resource conservation and its benefits can apply to every single business, every single institution, and every single family in this country.

In fiscal year 2003, the House Appropriations Committee Report accompanying EPA's appropriation, supported the RCC by saying "...The Committee is aware of EPA's initiative to identify opportunities to further the goal of resource conservation and recovery while remaining true to the mission of ensuring safe and protective waste management practices. The Committee supports the initiative and encourages the use of Agency funding to implement the necessary policy changes to further this important goal."

Partnerships that Lead to Results

The RCC is composed of largely voluntary programs and projects, with a recycling and resource conservation focus, that aim toward more effective materials management. The RCC supports six program elements:

- Product stewardship** (working with all involved in a product's life-cycle to reduce its environmental footprint);
- Priority chemical reduction** (reducing 31 of the most persistent, bioaccumulative, and toxic chemicals released to our environment);
- "Greening" the government** (improving the government's green procurement and waste reduction programs in line with our statutory and Executive Order commitments);
- Beneficial use of materials** (examining and promoting safe use of valuable secondary materials and waste streams);
- Energy conservation** (maximizing energy conservation by more effective use of materials); and
- Environmentally friendly design** (starting at the product or process design to produce less toxic, more recyclable and reusable products).

Within each of these program elements, we are developing strategies with measurable outcomes, and we're integrating these strategies into the Agency's overall Strategic Plan. In doing so, for each RCC program element, we are:

- Analyzing materials and waste streams to identify opportunities for resource conservation, while at the same time ensure that these materials do not present a risk to human health and the environment;
- Collecting data and setting measurable targets; and
- Identifying environmental goals linked to health protection, energy savings, or job creation.

At each step in the process, we're working with partners and incorporating their expertise and knowledge to find solutions to specific problems and then implementing them.

RCC Program Elements

1. Product Stewardship

For product stewardship, we're working with manufacturers to reduce the environmental footprint of their products. This can be done by eliminating, as feasible,

the toxics contained in those products and by designing products to have another useful incarnation (through reuse or recycling) after their initial life. For example, one such successful approach is being taken in partnership with the electronics industry. In electronics, our partnership is encouraging and rewarding greener design of electronic products (e.g., reduced toxic content and easier to recycle), helping to develop the infrastructure for collection and reuse/recycling of discarded electronics, and working with recyclers and others to encourage environmentally safe recycling of used electronics. In addition, we are partnering with the carpet industry, scrap tire groups, and other product sectors to similarly encourage greener design (for carpets), greater recovery and reuse and safe recycling practices (both carpets and tires).

As part of the Plug-in to eCycling program, EPA and its partners are piloting various options for safe recycling of old electronics. One such approach is to share the responsibility for collecting, transporting, and recycling old consumer electronics among manufacturers, retailers, government agencies, recyclers, and non-governmental partners. These pilots will help inform decisions and approaches to large scale electronics product stewardship programs.

With regard to one of our biggest municipal waste streams, paper, EPA has several partnerships underway that have been helping to reduce, reuse, and recycle all types of paper products. The RCC has partnered with the American Forest and Paper Association to help reach its goal of recovering 55% of the paper consumed in the U.S. by 2012. Additionally, through programs and partnerships like WasteWise, Greening the Government, and the Green Press Initiative, we're focusing on developing markets for paper products produced with post-consumer paper as well as paper recovery.

The growth of e-commerce has brought about waste paper reduction benefits, however it has helped generate an increase in paper and plastic packaging materials in municipal solid waste systems each year. To address this issue, EPA launched the Cradle-to-Cradle Design Challenge. In 2003, EPA presented the Cradle-to-Cradle Design Award for e-commerce packaging and logistics to student and professional winners. As a result of the Design Challenge, a group of packaging industry professionals have formed a Sustainable Packaging Coalition to design resource conserving packaging and systems.

2. Reduction of Priority Chemicals

To reduce the release of the 31 priority chemicals we're taking a three tiered approach, closely aligned to our approach for product stewardship. First—eliminate, where practical, the chemical from the product or process; second—substitute, as available, a less hazardous chemical; third—minimize the amount of chemical disposed of and maximize recycling. EPA's premier partnership with industry and other stakeholders, the National Partnership for Environmental Priorities (NPEP), is leading the way and has already received commitments from 29 facilities members to prevent 684,000 pounds of priority chemical releases. This program is key to reaching our GPRA goal of preventing an additional 10 percent of priority chemical releases by 2008. In 2003, (2 years early) we met the goal established in 1996 of achieving a 50 percent reduction by 2005. For other priority chemicals, EPA is tailoring partnerships to reduce the releases of mercury from automobile switches, mercury from dental offices, and early retirement of equipment containing PCBs. In response to the continuing health risks from chemical spills in schools, EPA is partnering with schools, school associations, and states to launch a "Chemical Cleanout Week" to safely remove and dispose of excess laboratory chemicals.

3. "Greening" the Government

By "greening" the government, we're harnessing the tremendous buying power of the United States Government to influence what products and services are produced. It is our goal that the U.S. Government serve as a model of stewardship to the public and private industry by incorporating recycling and waste prevention practices in federal agencies' daily operations. The "greening" application is very broad, from purchasing products and services that minimize environmental burdens to promoting safe, cost effective, energy efficient and environmentally-sound products.

RCRA, the Pollution Prevention Act, and several Executive Orders, guide us in enhancing recycling activities and give preference in purchasing products with recycled content, environmentally preferable products, and biobased content products. The Executive Orders also mandate the evaluation of compliance by the federal facilities to Section 6002 of RCRA. EPA has built several key programs to "green" the government (i.e., Environmentally Preferable Purchasing (EPP), Comprehensive Procurement Guidelines (CPG), Green Buildings Partnerships, GreenScapes, and

WasteWise) and established partnerships, provided outreach, training and technical assistance, and developed tools for EPA and others to use or to build on.

The future of greening will be in our ability to make sure federal funds spent through contracts, grants, leases, corporative agreements, and inter-agency agreements are clear with respect to green purchasing expectations. As part of the RCC we will be working with our federal partners in identifying aggressive federal recycling and waste diversion goals to complement accomplishments already made (e.g., in 2001, 90 percent of the offices in the six largest procuring agencies had recycling programs in place.) Additionally, EPA is working with other federal agencies, under E.O. 12148, to eliminate priority chemicals where possible and reduce toxic chemical releases by 40 percent by December 2006.

4. Beneficial Use of Materials

The beneficial use of wastes or reuse of secondary materials promotes efficient materials management. Instead of wastes being disposed of, they are fed back into different production or other processes, thus contributing value and acting as a substitute for primary raw materials. Waste recovery is undertaken to avoid waste disposal, to save virgin resources, and to extract value from otherwise discarded materials.

Under the RCC, we are building partnerships that identify goals and measures to spur safe and beneficial use of secondary materials. The Coal Combustion Partnership Program (C2P2), for example, is an industry/government partnership to increase the beneficial use of coal ash and other coal combustion products and to reduce the amount of these materials that are land disposed. EPA estimates that coal-fired power plants generate approximately 135 million tons of coal combustion products each year. The C2P2 encourages generators and users of coal combustion products to increase the use of coal ash in cement and other construction products. A significant benefit from this program is that every ton of coal ash used in concrete to replace Portland cement reduces 0.89 tons of global green house gas emissions. Under the RCC, C2P2 partners have committed:

- To increase the environmentally safe use of coal combustion products in concrete from 14 million metric tons in 2001 to 20 million metric tons by 2010, a 43 percent increase; and
 - To increase the environmentally safe beneficial use of coal combustion products from 30 percent to 45 percent by 2008, by volume about a 30 percent increase.
- Another example is our RCC tire partnership. There are at least 300 million scrap tires in stockpiles in the U.S. today, with 281 new million scrap tires generated in 2001 alone. We also estimate that markets now exist for approximately 78 percent of scrap tires. A partnership between EPA and scrap tire stakeholders is working to meet two 2008 goals for the safe beneficial use of scrap tires:
- To divert 85 percent of newly generated scrap tires to reuse, recycling, and energy recovery; and
 - To reduce the number of existing tire stockpiles by 55 percent.

As the RCC unfolds, EPA will put in place additional goals and measures.

Each of these programs will help solidify a critical component in promoting beneficial use, reuse, and recycling of wastes—market development. Our approach involves working with consumers to generate demand for recycled products, working with industry to adjust its perspective so wastes are viewed as products.

5. Energy Conservation

The RCC is focusing its energy conservation efforts on identifying opportunities to increase the amount of energy conserved or recovered from activities associated with the production and management of waste materials. This includes working with industrial sectors to identify practices that will conserve energy through the reduction or elimination of waste byproducts, the identification of secondary markets for waste byproducts, and the expansion of energy recovery processes to extract the energy value of waste byproducts.

Our near term focus is to enhance energy conservation associated with waste materials involves the measurement and expansion of current activities. For example, we're investigating additional hazardous wastes that are comparable to commercially available fuels. Congress also supported this approach in Committee report language on EPA's fiscal year 2004 appropriations bill: "The Committee also supports EPA's work to examine the effectiveness of the current comparable fuel program to supplement domestic energy sources with industrial materials, and encourages EPA to promulgate a rule in fiscal year 2004 allowing additional industrial materials to be safely used as fuels." This is consistent with Congress' intent under RCRA that solid waste represents a potential source of fuel that can be converted

into energy as a means of reducing our dependence on other energy sources, including petroleum products, natural gas, nuclear and hydroelectric generation.

We are also looking at further expanding our WasteWise program, through which partners conserve energy by using fewer raw materials and by recycling materials in manufacturing processes. In 2002, WasteWise partners identified 3.5 million tons of their waste reduction efforts as directly attributable to their WasteWise membership. This level of waste reduction translates into a reduction of greenhouse gas emissions by 2.4 million tons of carbon equivalent. Finally, we are looking at how to further encourage the use of landfill gas for energy. We want to expand on efforts like the one at Rutgers University's Eco-complex, which proves that energy can be produced from landfill gases and put to beneficial use (in this case, by using the fuel in closed loop aquaponic fish and plant production). By focusing on energy as a strategic element, we are providing a new forum to highlight the environmental and energy savings associated with waste avoidance, recycling or reuse, and recovery.

6. *Environmentally Friendly Design*

In the RCC's final program element, our goal is to promote the design and/or redesign of products and processes to minimize their environmental impact. Through tools development, outreach, and incentives, stakeholders are transforming the design of their products.

One partnership working toward this goal is the Formulator Initiative, which gives companies the opportunity to partner with EPA's Design for the Environment (DfE) program to design or reformulate products to have a more positive environmental and human health profile. We have developed a prototype for the cleaning product industry. To enhance outreach, we've brought together leaders in the commercial product supply chain, product designers, and EPA's DfE and Green Chemistry experts to steer commercial products toward use of greener materials and easy disassembly. Also, through a partnership with the Industrial Designers Society of America (IDSA), we have printed and distributed the Okala Ecological Design course guide. In partnership with various companies and industrial design and green chemistry trade groups, EPA is planning to educate and train product designers to use environmental information in design decisions, and to bridge risk information gaps between chemicals and materials for commercial product designers.

CONCLUSION

The RCC is unique in its ability to bring together resource conservation projects and stakeholders, set a focus and goals for key products, commodities, or wastes, and recognize achievements that benefit our environment. In the fall of this year, we expect to release strategic plans for each of the six program elements. These strategies will identify a direction for the next five years in resource conservation: what we need to focus on (e.g., paper, tires, mercury in products); what partnerships we need to build; what measures we will use to track success (e.g., percent recovery, pounds recycled); and what goals will produce environmental benefits.

The Resource Conservation Challenge isn't mandatory, it's not required by rule or regulation; it is a largely voluntary effort driven by the benefits derived by the participants. In some cases, participation is driven because resource conservation will pay for itself, as with many kinds of energy efficiency. In some cases, participants are involved because they've discovered an innovative way to reuse a waste stream or perhaps because a particular waste stream poses unique and difficult problems for traditional waste management. But in all cases, partners join because resource conservation is critically important to our environmental and our economic future.

Mr. GILLMOR. Thank you very much, Mr. Hale.

Let me begin. A year ago EPA published a document, called Beyond RCRA, and the document tried to project what the environmental picture would be of solid and hazardous waste in the country in 20 years. One theory advanced in the report was that economic incentives, voluntary measures, and regulatory controls would lead to most waste being re-used and recycled and the landfills would become obsolete or nearly so.

From your experience with the Resource Conservation Challenge, is that a viable outcome in the next 20 years? And if so, why?

Mr. HALE. I think, in the 2020 Vision Report, we call it, we were trying to envision the future, and we were trying to set a direction that we hoped and we expected society would move in. I think it is reasonable to expect significant amounts of reduction in waste. I think it is very reasonable to expect enormously more efficient use of secondary materials.

So whether the vision is perfectly achieved or not is beyond our ability to project, but I think the general direction and the general concepts are, in fact, realistic.

Mr. GILLMOR. As a follow-up to that, as science and technology advances, there are some people who predict that our environmental future will see harmful chemicals becoming more prevalent, seriously impacting ground water and the Nation's food supply.

How do you respond to those concerns? And what does the Resource Conservation Challenge lead you to believe may be obstacles to that kind of future environmental protection?

Mr. HALE. Well, I think we definitely have—we certainly see in society and in industrial society, these issues are mentioned within the 2020 report, some of the challenges we face—increased new chemicals being developed, toxicity of chemicals better understood, resource depletion. Those are concerns or trends that are identified within the report itself.

And I think we need a concerted effort on both fronts of a cooperative approach to reach an industrial system that more effectively uses and re-uses resources, but at the same time, I think we need a strong regulatory structure, both at the national and the State level, to deal with some of the toxic products of our industrial society.

Mr. GILLMOR. Since many of the programs in the Resource Conservation Challenge are voluntary in nature, what has your experience been with participating industries regarding our capabilities and incentives to reduce waste in the processing and the use of material resources?

Mr. HALE. I think our experience has been good. We have had certainly a number of years at EPA of developing voluntary partnerships with outside stakeholders, whether it is industry or local communities or nongovernmental organizations. I think, on a number of the bigger issues, materials issues that we are facing in society today, whether it is electronics or some of the larger waste streams, I think we see on the industry side a significant number of incentives on their part to join in partnerships. And I think as a whole, we have found a receptive audience.

Mr. GILLMOR. The Resource Conservation Challenge has at its core a focus on a more cradle-to-cradle approach rather than RCRA's traditional cradle-to-grave framework. The concept is incorporated into EPA's recent proposal for regulatory changes for certain hazardous waste recycling activities currently under review.

This proposal has come under sharp criticism, alleging that it would, for one, allow 3 billion pounds of hazardous waste to escape Federal regulation by narrowing the definition of solid waste under RCRA.

How do you counter that statement and yet still further the cradle-to-cradle solution that you advocate in the program?

Mr. HALE. Well, I think there are two parts to that. I think within—well, I think, actually, the first point is that, if you look at the pie chart, we show the hazardous waste piece of the pie is a very small piece of the pie that the Resource Conservation Challenge is dealing with.

But within that hazardous waste piece of the pie, I think we have found, over the last decade, there are waste streams or secondary material streams where we see there is a disincentive to re-use within the industry that generated it because of regulatory concerns.

Another point I think that we need to keep in mind in talking about that specific rule is that what we are really doing is defining a jurisdiction, the jurisdictional scope of our authority as has been interpreted by the courts in a number of recent decisions.

So I think, on the one hand, we do see benefits in terms of recycling or re-using a segment of the stream that is considered hazardous waste under current regulations, and at the same time, we do think we are following court decisions on the scope of our authority. But I do point out, that is a proposal, and we have a number of different comments suggesting that we should have taken an approach in one direction or another, so we will need to look at those carefully.

Mr. GILLMOR. Thank you.

The gentlewoman from California, the ranking member of the subcommittee, Ms. Solis.

Ms. SOLIS. Thank you, Mr. Chairman.

Mr. Hale, I know I probably should not be directing these questions to you, but we have not had the opportunity to speak to the new director for EPA. But in any event, I would like to ask you these questions, and perhaps, we can get a response at some point from the agency.

The first is a letter that was sent by Ranking Member Dingell and myself that was issued February 5 about contamination from military munitions. I received a partial response back on April 20, but have heard nothing since.

There is a second letter that Ranking Member Dingell and I sent on March 24 about a listing of Department of Defense installations on the Superfund National Priority List. We have heard nothing about that letter.

Finally, myself and Ranking Member Dingell and seven U.S. senators issued a letter on April 2 to the administrator, Mr. Leavitt, seeking information about the Superfund program and have heard nothing. I would hope that you might be able to inform your higher-ups about a response that we might be able to expect soon.

Mr. HALE. Yes. Thank you. I will definitely bring that message back, and we will do all we can to get those letters to you, those responses to you.

Ms. SOLIS. One of the concerns I have is, looking over your Resource Conservation Challenge budget numbers, I wanted to ask you a few questions. For fiscal year 2003, that was enacted at \$14.7 million, and for fiscal year 2004, the President's budget request was for \$16.5 million. And yet for fiscal year 2004, the actual enacted amount was \$10.8 million. Is that correct?

Mr. HALE. Yes.

Ms. SOLIS. So if that is correct, then my colleagues funded the program at 34 percent less than the President actually requested. Is that correct?

Mr. HALE. That is where the funding ended up once, within EPA, we had developed our operating plan, yes.

Ms. SOLIS. And because of that cut, did that force you then to eliminate the Recycling Call Center which was funded at \$700,000? And an annual meeting, I believe, that you would hold with stakeholders, recycling officials, that was funded at about approximately \$500,000?

Mr. HALE. Our overall budget within the Office of Solid Waste has gone down significantly, at least our overall budget has gone down, and it is particularly significant for us, because we have protected salaries and staff. That has meant that, within the Office of Solid Waste, we have had a significant decrease in money, and so we have needed to focus our efforts in a more targeted way. And we have put things like the call center—we are moving to more Internet-based. So the net result of our budget situation is that the items that you have talked about are where we are cutting back on.

Ms. SOLIS. It sounds to me, though, that in an attempt to try to get people to move on cleaning up, recycling in a voluntary mode, you would probably need more of an effort to do better outreach and better targeted outreach, particularly at industries that might be smaller, mom and pop, for example, that are not Internet astute and maybe, at most, have a telephone and a fax. How do you plan on communicating with those individuals?

Mr. HALE. Yes. An important part of the Resource Conservation Challenge is outreach. The call center really focuses on regulatory, people calling up with regulatory questions for the most part.

But an important part of the RCC will be outreach. So we are working with broad national groups. We have policy approaches with schools. For example, we had a big event in San Diego last spring making a difference, focusing on schoolchildren.

So outreach is a key part of the Resource Conservation Challenge. The Internet actually is an important tool for that, but using associations is one of the approaches that we are using as well.

Ms. SOLIS. I just wanted to ask you, what type of outreach do you do in different types of geographically diverse areas where you might find a lot of small businesses that do not speak predominantly English, what kind of outreach do you do there?

Mr. HALE. For example, we have been working with LULAC, the Hispanic American organization focusing on Latinos in the United States on a number of different areas. This last year we had a program with them dealing with recycling of motor oil. And our next program with them is going to be having to do with household hazardous waste.

We do TV spots. We had Eric Estrada do a TV spot in Spanish advertising the used oil program. So that is an example of programs.

We also work with Native American associations, the National Tribal Environmental Coalition, for example. So a number of those groups we particularly target. African-American groups we target as well.

Ms. SOLIS. What about the Asian community?

Mr. HALE. Again, within the Asian community, for example, in areas where there is a strong—industrial areas where there is a strong representation of the Asian community, dry cleaning, for example, we will have material that is written in Vietnamese or the language specifically targeted at them.

Ms. SOLIS. Could we get a budget as to exactly how much is apportioned to LULAC and what kind of groups you are working with? If there is a set figure that is allocated, is there a bid process for grants, and who is that open to?

Mr. HALE. Yes. We will get back to you on that.

Ms. SOLIS. Thank you.

Mr. GILLMOR. The gentlewoman's time has expired, but we do plan to do a second round.

The gentleman from Idaho, Mr. Otter.

Mr. OTTER. Thank you, Mr. Chairman.

Thank you, once again, for this hearing, giving us the opportunity to see how, in the face of a major problem, a major Nationwide problem, that volunteerism can work, if encouraged in the right direction, can work probably much better than some sort of authoritarianism. Let me ask a question about the EPA itself.

Does the EPA office that you work out of, does it have a recycling program like I know a lot of offices have?

Mr. HALE. Yes, we do.

Mr. OTTER. What is your percentage of success with that? How much of your waste that is coming out of the office, the paper, whatever you generate, how much of that is recycled?

Mr. HALE. I would have to go back and check our statistics. I would have to get back to you.

Mr. OTTER. Would it be above the national average that you show in this little book?

Mr. HALE. I will have to check back with you on that.

Mr. OTTER. I would assume that it is. It has been my experience, at least, in offices.

Mr. HALE. I would hope so.

Mr. OTTER. My follow-up question to that has to do with, can you tell me what the punishment is to an employee if they are caught doing something with their waste, other than recycling it? Do they get fired?

Mr. HALE. At EPA?

Mr. OTTER. Yes.

Mr. HALE. It is usually social ostracism.

Mr. OTTER. I understand. In other words, the encouragement is focused on voluntarily doing the right thing, rather than the punishment being focused on, am I correct?

Mr. HALE. Yes, yes.

Mr. OTTER. So I say, I guess, again, and I will yield back, Mr. Chairman, but mostly, I just want to make the point that I think probably one of the most successful programs of the EPA to date has been this program that focuses on getting people to do the right thing, educating them to do the right thing and then follow up.

I think everybody is proud of this country and would like to see it—and part of that pride is in how this country looks. I would also

reiterate that I think the State of Idaho does a good job on its own, but we appreciate whatever encouragement we get from the EPA.

Mr. Chairman, I yield back. Thank you.

Mr. GILLMOR. I thank the gentleman.

The gentlewoman from California, Mrs. Capps.

Mrs. CAPPS. Thank you. Before I begin, I want to congratulate our colleague from Idaho on such high standards and maybe suggest that, the next time he brings his horses to ride on our California back country, he could bring us some of those ideas that have worked so well in Idaho.

Mr. OTTER. I will do my best.

Mrs. CAPPS. But Mr. Chairman, seriously—well, that was serious, too. We like to share ideas. I think this is one area where best practices go a long way. At least they are showing that to be the case in our community.

But Mr. Chairman, a 2002 National Post Consumer Plastics Recycling report concluded that recycling is no longer a top-of-mind issue for consumers and contributes this effect to low participation and capture rates for recycling rates.

Whatever else we do, I think it is important to focus on, if we call it being successful so far or not being successful enough, we certainly do have standards, national standards in the area of plastics, for example, that we clearly have not met. So there is a lot more work to do, and that is kind of what I want to talk about.

I am going to use this moment, Mr. Chairman, because I have had a question from my own curbside recycling on my street in my community that I want to ask, and I figure I might as well use these experts here to answer my question. It is a way of focusing on home and close-to-home kinds of recycling efforts. Many of these are concentrated on two initials that we get very familiar with, the PET, polyethylene terephthalate, or whatever that is, and also the HDPE, the high-density polyethylene. And all of us who try to do recycling in our, whatever, community or at work, in our homes, get familiar with those labels.

Now, and the HDPE is the topic of my question, because that is generally found on milk bottles and other household containers, laundry detergent and so forth. I am thinking of the plastic bags, when I get my groceries at one of the big stores in my community, the HDPE is 4, usually. My recycling center and I have been bragging about, my company will only take 1 and 2. So I have to take those bags back to the store. They have committed to recycling them, which I commend them for, but, you know, it is just that little extra step. And so does my newspaper, including the L.A. Times, it comes wrapped in HDPE 4.

What would it take, and this will help me personally, but I will also work on your behalf, what would it take to get these widely used plastic bags and packaging down to a 1 and a 2 on a regular basis so I can put those out on my curbside like I do everything else?

Mr. HALE. I would have to get back to you on a specific answer and talk to our plastics recycling experts. Certainly, plastic recycling is one of the areas where we have the biggest challenges.

Mrs. CAPPS. Do you, Mr. Hockey, have any information for me?

Mr. HOCKEY. Some of the things that we have been talking to people about is market development, and some of the market development is regional; things that are being collected in one region are being collected there because there is a market for that type of material in that area.

Mrs. CAPPS. But what is going to incentivize a place like Ralph's or Safeway to get plastic at 1 and 2? Why are they not doing it now? What can we do to raise that or encourage that to happen?

Mr. HOCKEY. I think it is something that we can work with the folks who are running shopping centers and—

Mrs. CAPPS. But get more specific. What do you suggest? Fining them if they don't or rewarding them if they do? What is a way we can do that?

Mr. HALE. One thing that we have been doing, just by analogy, we have been doing within the electronics arena is working with some of the retailers such as Staples, et cetera, and we are finding at least a number of them, either through peer pressure or other concerns, are actually engaged or taking on sort of take-back programs from consumers which might not be in their very narrowest economic self-interests.

I think David's point was, I think we need to work at the sort of shopping-center-association level, the grocery-store-association level, the Safeways and Giants of the world at an industry level. And I think it is possible to work with them and get them to agree it is, in fact, in their broader self interests.

Mrs. CAPPS. If I could suggest, Mr. Chairman, these are very competitive market-driven companies, newspapers and grocery store retailers. I would urge that this subcommittee get busy on putting some teeth in this. If we are really serious about this being a national interest and that we do not want to see landfills everywhere in our country, that we work on developing some very strong incentives.

I would rather see it be positive than be punitive, frankly. I think we could go some way in this Congress to raise that standard so that it would be an expectation and required, but there would be some motivation for doing that.

I yield back.

Mr. GILLMOR. I want to go to the issue of recycling.

As you know, EPA estimates that, in 2001, the U.S. recycling and re-use industry supported more than 56,000 recycling and re-use businesses, employing 1.1 million Americans, that grossed \$236 billion in annual revenues.

Is the Resource Conservation Challenge keeping track of the various recycling rates, and if not, is there an area within the Office of Solid Waste that is keeping track, not only of the numbers, but also of the trend in the way that Americans are recycling?

Mr. HALE. We keep track of recycling rates, particularly within the municipal solid waste area, the plastic bags and so forth, through a report that we put out every year, colloquially known as the Franklin Report, but it is a report on solid waste generation and recycling. There is also another independent report, the bio-cycle report, that counts numbers a little bit differently. So there are two very good sources of general recycling of—like trends of re-

cycling of municipal solid waste. And the bio-cycle report goes a little bit further into construction, demolition debris, and other areas.

Within other areas, as part of the RCC, we are working with trade associations and other industry sources, other sources for more specialized waste streams called combustion ash, foundry sand, tires, categories of waste like that.

Mr. GILLMOR. I would appreciate it, if you have it, if you could get us the actual recycling rates for paper, for glass, and for aluminum, if you could get that to the staff. Also, how much recycling material is being sent overseas for reprocessing?

Mr. HALE. I don't have the figures on what is sent overseas for reprocessing, and I think that depends a lot on the particular stream you are talking about. So I would have to give you the details.

But certainly, there are certainly commodities, basic commodities like scrap metal or paper fiber is an international commodity trade that is bought around the world. But we would have to look in more detail to get back to you on that.

Mr. GILLMOR. I would appreciate it if you could, because this is something we are hearing about, and some of the economic strains that it is producing domestically as a result.

Also, are you examining efforts to address diversion rates as opposed to recycling rates?

Mr. HALE. We are, at least our national goals that we currently have in place focus in one way on both. Our 35 percent is a recycling rate, but we also are looking at diversion rates as well.

Mr. GILLMOR. Currently, many materials such as unsold newspapers are classified as waste, but they are actually destined for re-use or recycling. Beyond RCRA, an argument is made that a key component to making an efficient resource utilization system work would be to identify materials as waste only when they are clearly destined for disposal. This would reduce the distinction between waste and re-usable materials.

Is this question being addressed as one of the challenges, and is there still a problem with making this new distinction between waste and re-usable material?

Mr. HALE. I think, when you get to the solid waste world or an area like newspapers, we will certainly look into this. But I think our interest is that, whether a newspaper is excess because it was not sold, or whether it has been read and thrown away by a consumer, we want both of those products, whatever you call them, to go back into the production cycle.

And you identified diversion rates as a way of looking at the problem. A diversion rate from a landfill would, in a sense, measure success there, because neither of those materials would get to the landfill.

Our vision paper that you referred to in your first question really tries to promote the way of thinking where whether it is a read newspaper or unsold newspaper, what we are doing with the material can be put to beneficial use.

Mr. GILLMOR. Many critics have pointed to the way that the law identifies material, particularly by-products of manufacturing, as waste. And these critics believe that making these products a waste has a chilling effect on the recycling reuse and energy recov-

ery. What has your experience taught you on this point? And do you think that EPA needs to redefine waste?

Mr. HALE. Again, and I will speak at this point to the nonhazardous world we have been talking about, the municipal solid waste, the nonhazardous foundry sand. I think it is appropriate to look at these materials as materials with potential, with potential benefits that need to be—that should be taken advantage of. So I think it will be helpful to think of them in those terms. To the extent to which calling something a waste places a stigma on a certain product, we certainly hear that a lot and we have a certain amount of sympathy with it, but we also see a lot of recycling and materials that in one person's mind or another are considered waste.

Mr. GILLMOR. I understand that EPA is struggling with a meaningful way to define the terms continuous process and generating industry. Some people have argued that can't be done. How do you respond to the people who suggest that the restriction regarding the generating industry, which EPA is crafting in response to the ABR case, no matter how it is defined, would liberate very little material from RCRA jurisdiction?

Mr. HALE. I missed the last part.

Mr. GILLMOR. How would you respond to the people who suggest that the restriction regarding the generating industry, which EPA is crafting in response to the ABR case, no matter how you define that, would liberate very little material from RCRA jurisdiction?

Mr. HALE. We are speaking about our recent proposal on definition of solid waste. By our estimates in our economic analysis, we were estimating approximately a million tons, I believe, of material that would be categorized as hazardous waste that no longer would be. And we certainly received comments that our estimate was too high and our estimate was too low. That is at least where we think the figures are until we look at the comments in more detail. But you know we will have to look at the comments in more detail.

Mr. GILLMOR. I have gone over my time. But I do have one last quick question and this comes from a member of the staff who is very concerned, why can't you recycle milk jugs anymore?

Mrs. CAPPS. The metal ones?

Mr. HALE. That gets back to the plastic issue again and I think plastics, recycling plastics is a problematic area that needs more attention.

Mr. GILLMOR. Very good. Gentelady from California. Appreciate the answer on milk jugs from the other lady.

Mrs. CAPPS. I thought you meant the steel ones from the cow.

Ms. SOLIS. This all causes me to think how does one actually get a volunteer program in place if we are already finding that there are so many corporations and producers of different types of plastic that are just not receiving any feedback that is really going to be meaningful—there is no consequence for them to change? Why would they want to lower the degree of whatever it is—ingredients that would be safe for us, for communities, if they are not going to be hit with any penalties, no tax incentive or no penalty?

That to me doesn't sound as though we are going to be able to achieve any meaningful goals in the next few years, on your Web site even, you know, are claiming that we are going to try to reach.

So you know, I would like to hear from you on that. And I also have a question with respect to—we are talking about plastics, disposable diapers, for example. We have a big problem in Los Angeles with that because they are, in many cases, not biodegradable. They do end up in our landfills and they obviously contain adverse chemical effects that can result with their disposal in landfills.

And I would like to know what efforts are being made there, if there are any, and if there are any programs out there that maybe we should know about, particularly as it affects our urban communities.

Mr. HALE. I think, I mean you have asked a general question on to—how do we—what is the best strategy for achieving increased recycling in a very diffuse area like municipal solid waste. I think the approach that we are taking now and we are focusing on is, in fact, a voluntary approach and we are committed to pursuing that as a viable approach. It certainly has worked effectively in a number of instances and a number of waste streams, and we are optimistic we can achieve some success here, but I think the measure will be how well we achieve. Specifics of disposable diapers, I think there have been many studies of this as an issue over the years and you have competing issues of disposal and landfill capacity and production of plastics and you have got another part to the country, water use as a significant resource and the balance isn't always clear. And I think that is why these issues need careful analysis.

Ms. SOLIS. Just one last comment here. I know in the statement that you gave to our committee regarding this program, you mentioned that the Challenge resource conservation actually was achieved under the Clinton Administration goal of reducing priority chemical releases by 50 percent in 2003, 2 years ahead of schedule. However, the challenge's February, 2004 report noted that this goal was actually achieved in 2001. Can you explain that discrepancy?

Mr. HOCKEY. The data we rely on to measure that progress is the toxics release inventory. There is a 2-year data lag from the time it is reported until the time it is published. In 2003, we met the goal using the 2001 data that was available at that time.

Ms. SOLIS. So you are somewhat taking credit for something that happened maybe not on your watch?

Mr. HOCKEY. We have been tracking that data as you can see back from a base line of 1992, so we have been watching it all the way along. It is the data lag that takes the time for the companies to report to consolidate the data and publish the data.

Ms. SOLIS. One other quick question, if I might. There was a report that was issued by waste news reported on May 10, that the EPA is not on track to meet its goal and quoted an EPA official as saying that, "that is not a problem." The goal is more about continuing to make recycling progress than the particular number. Is that the opinion of EPA, that not meeting an established goal is not a problem?

Mr. HALE. I assume this is talking about the 35 percent recycling goal that we have in 2005. No. I think that is a problem. I think it is—it is also a national goal. It is a goal for the country as a whole, so I think it is a problem for all of us. And I think within EPA, I think we have to refine our strategy more effectively so we

can pick out the key elements of the waste stream, office paper, yard waste, et cetera, so we more effectively meet those goals.

Ms. SOLIS. Haven't you extended that goal for another 3 years?

Mr. HALE. We have set 35 percent as our goal for fiscal year 2008.

Ms. SOLIS. So we haven't reached it and you are hoping in perhaps the next 3 years we might get there?

Mr. HALE. Yes.

Ms. SOLIS. How are we going to get there?

Mr. HALE. We are trying to be more strategic about focusing on particular waste streams within the 35 percent mass. In other words, a large area of municipal solid waste that is not currently being recycled that has got great potential is office paper. So we have challenges with the paper industry. We are working with different associations to increase the recycling of office paper. Yard waste is another area that is a significantly high percentage of the solid waste stream where there is opportunities for significant increase. So we are doing a considerable amount of work in composting of yard waste and reuse of yard waste.

Ms. SOLIS. I would just hope we could receive more substantive materials to hopefully outline those parameters that you are talking about and keep in mind—I know that some of us have been approached by various industries that are saying we are losing a lot of jobs to overseas countries who are actually doing recycling of products. We are losing jobs. So that is something I would hope you would address as well. Thank you.

Mr. GILLMOR. Gentlelady from California, Mrs. Capps.

Mrs. CAPPS. Thank you very much, Mr. Chairman. It is very serious business in Santa Barbara County where we have a landfill called the Tajiguas Canyon landfill, which began many years ago before they knew to line the bottoms of them and it is leaching out toxic substances, both into the nearby streams and into ocean. So this is something we really struggle with in the county of Santa Barbara, and these are economic issues. And I appreciate my colleagues mentioning that it is a business, recycling, and other countries have gotten good at it and we have a record that we could really improve upon.

So I look forward to some of the material you will be getting back to us. I want to refer to a table that came from NAPCOR, 2002 report on post consumer pet container recycling activity. In 1995, the plastics were recycled at the percentage of 39.7, these plastics. But in 2002, it has dropped down to 19.9. And that is very disturbing to me. A lot of these are what we see everyday in our landfill because they come out of our households and out of our retail workplace situation. And so I would like you to respond to that difference. And also, you know, you talked about some voluntary programs, but we have to reverse that trend in that particular area.

Mr. HALE. Yeah. I think if you look overall at recycling rates, while they are not all that we hoped, they are improving. But there are particular streams, plastics being one, aluminum being another where the process is discouraging and those are areas that we need to focus more attention on.

Mrs. CAPPS. And interestingly enough, PET is what soda and water bottles are made of, and think about how there has been

such an explosion in the number of those right here on Capitol Hill. We have very recycling opportunities here. But you have to hope there is going to be a process by which this comes back to us in a different form and that is what recycling is all about. While the total material recycled stayed about the same or slightly increased, as I say, there has been an explosion in the use. Therefore, we really have lowered our amount of recycling in this area. And I am asking you, has EPA set a specific national recycling goal for plastics bottles made of PET?

Mr. HALE. We don't have a specific goal.

Mrs. CAPPS. Can you tell me why?

Mr. HALE. At this point, within the resource conservation challenge, we are developing strategies for different major themes, and I don't know whether the beneficial use of them, one of our six themes, is going to be developing plastic goals or not, but most of our focus up to this point has been on the overall numbers rather than the specific numbers associated with specific waste streams.

Mrs. CAPPS. If I could respectfully suggest that if we are looking for something to capture national imagination and enthusiasm about something—and I think back to 5 or 10 years ago, how many of us carried water bottles then compared to how many of us do now, I don't see this number going down, I see it only increasing. If we are going to launch a national campaign, this is one we could achieve results, but you have to have it such that—recycling is something our school kids come home and tell family members, this is what we are doing. We are taking newspapers. That is how it started in my household years ago. And I would love to see—and I would be happy to work with you on developing something that would be really catchy that we could start and that would, I think, within a very short time, raise those percentages just focusing on water bottles and soda bottles. I would like you to get back.

Mr. HALE. Thank you. I think that is worth exploring.

Mrs. CAPPS. And I would like to suggest whether you do it or we do it here that we set some national goals. I don't know that you ever achieve—whatever kind of race you are running, you want some goal at the end of it, improving; your time, improving the results, comparing ourselves with Europe or any other area. This is a competitive country. Let's get busy and do something in that arena that we all can get behind. I am looking for a project here and I don't see anything coming from the EPA. Maybe you are looking to us for it.

Mr. HALE. No. Thank you. I think that is something we would be happy to look at.

Mrs. CAPPS. I think there are a few organizations in the communities that would love to get behind.

Mr. HALE. I agree. That is an area we would be happy to work with you on. We have a number of specific projects targeted toward raising the awareness of school children and we also have partnerships with shopping center associations and the National Park Service, which—where people carry a lot of water bottles around. So I think there is a good potential here.

Mrs. CAPPS. I look forward and yield back.

Mr. GILLMOR. The gentlelady yields back and I want to thank Mr. Hale and Mr. Hockey for being with us today. I have been ad-

vised that Congressman Stupak has an opening statement and a letter attached that he would like inserted in the record.

[The prepared statement of Hon. Bart Stupak and the letter referred to follows:]

PREPARED STATEMENT OF HON. BART STUPAK, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MICHIGAN

Mr. Chairman, the Resource Conservation Challenge Program under discussion today in this subcommittee was established in 2002 under Marianne Horinko, the current Assistant Administrator for the Environmental Protection Agency (EPA) Office of Solid Waste and Emergency Response.

The Challenge touts itself as a “national effort to find flexible, yet more protective ways to conserve valuable resources through waste reduction and energy recovery activities.”

What this means is that this program, relies solely on voluntary, flexible measures and seems to have no intent of establishing guidance or promulgating regulations.

While I am not deeming the Challenge to be a “bad program,” there are several areas that I would say are questionable.

The Challenge’s “Year Of Progress Report,” released last February, cited success in several program areas—none of which the Challenge itself created, but instead programs that were created in the 1990s and the Challenge has partnered with.

The program initially established public goals on chemical waste reduction—but later they realized that those goals had been previously accomplished by other EPA programs. Upon realizing this it was announced that new goals would be established, but it is my understanding that no new goals have been formally announced.

One of the Challenge’s previous goals was to increase national recycling standards to 35%.

The Challenge has extended its timeline for achieving this goal to 2008, but has seemingly not established new guidelines to achieve this goal.

I question the Challenge’s effectiveness and where the program ranks within the EPA in terms of priority. Perhaps the most telling indicator is that neither the Deputy Administrator, nor the Assistant Administrator, under whose watch the program was created, could find the time to be here today to discuss it.

While the Challenge hasn’t produced much in terms of results, the subcommittee is holding a hearing on it, but refuses to take up the issue of trash importation. Halting the flow of trash ensures less waste.

The last time this Committee seriously addressed recycling was in 1992 when it passed out a lengthy recycling bill—but that legislation never came to the floor for consideration.

In my home state of Michigan, we have a very successful bottle deposit bill to promote recycling. We are trying to do the right thing by taking glass, plastic, and aluminum, out of the waste stream—but our efforts are being undermined by the continual dumping of Canada’s unwanted mixed trash into our landfills.

The importation of Canadian trash into Michigan and other neighboring states, like Ohio and Pennsylvania has been a problem for more than a decade. Hundreds of trucks cross the border each day into Michigan bringing in a whopping 3.15 million tons of solid waste to the state in 2003 alone. Toronto sends 1.1 million tons of trash to the U.S. each year.

Mr. Chairman, on April 5th, I wrote a letter requesting a mark-up of one of the three bipartisan bills pending before this committee to halt the importation of trash. More than six weeks later, I have yet to receive a reply from you.

Since I haven’t received a reply in writing, I will ask once again, Mr. Chairman, do you plan on holding a markup on bipartisan legislation addressing the issue of out-of-state trash importation this Congress?

Thank you.

April 5, 2004

The Honorable PAUL E. GILLMOR
Chairman
Environment and Hazardous Materials Subcommittee
Committee on Energy and Commerce
2125 Rayburn HOB
Washington, D.C. 20515

DEAR CHAIRMAN GILLMOR:

I am writing to ask that the Subcommittee take immediate action to address the issue of trash importation by holding a markup on one of the three bills introduced this Congress pertaining to the transport of solid waste.

During a Subcommittee hearing held last week, I brought the Subcommittee's lack of action on this issue to your attention. This was the first hearing the Subcommittee has held in almost nine months and the first markup in this entire Congress, and it was on a grant provision specific to one state. There are so many pressing environmental issues that the Subcommittee should be addressing, such as transport of solid waste, brownfields, superfund, and the high concentrations of lead found in Washington, D.C.'s water to name a few.

Although the Subcommittee held a hearing on solid waste transport bills, H.R. 382, H.R. 411, and H.R. 1730, last July, no further action has been taken to move these bills out of committee. All three bills have bipartisan support. The Subcommittee must act now to give States the ability to manage waste coming in from across the border.

Thank you in advance for your full consideration of my request. Should you have any questions or concerns, please contact myself, or Amy Fuerstenau of my staff at ext. 5-4735.

I look forward to your reply.

Sincerely,

BART STUPAK
Member of Congress

cc: The Honorable Hilda Solis, Ranking Member

Mr. GILLMOR. I would just like to announce that all members will have 5 days to insert opening statements in the record. Once again, my thanks to our witnesses and to the members who are the stalwarts who attended and the meeting is adjourned.

[Whereupon, at 2:45 p.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows:]

RESPONSE OF THE ENVIRONMENTAL PROTECTION AGENCY TO QUESTIONS ASKED
DURING THE HEARING

QUESTION BY REPRESENTATIVE OTTER

Question. What data do you have on the percentage of recycled materials at EPA?

Answer. EPA has an active recycling and waste diversion program across the Agency. The standard recycling program includes collection of mixed office paper, newspaper, corrugated cardboard, commingled bottles and cans (plastic, glass, steel, and aluminum), and printer and copier toner cartridges. EPA is also working to incorporate batteries into its standard recycling program. Some EPA offices are also participating in pilot recycling projects, such as fluorescent lamp recycling; recycling organic material via composting (using food waste to make compost); and using paper use reduction driver software. In addition, many EPA offices across the nation have special collection events (i.e., cell phones, sneakers) throughout the year.

EPA headquarters collects recycling and waste diversion rate information on its standard recycling program in the EPA Federal Triangle complex in Washington, D.C. The recycling rate data from two of EPA's largest facilities show that, as of March 2004, the recycling rate had reached 40%.

From a national EPA perspective, we have just begun to collect this type of information and have yet to institute a stringent data collection system. Consequently, data below does not paint the complete picture of recycling across EPA, but could be used as an indicator of progress. Using the information collected to date, EPA reports the following accomplishments:

- 45 EPA sites out of the 47 that reported, have an active office products recycling program in place.
- 9 EPA sites provided quantitative recycling data, the combined recycling rate is 63% (1,069 of 1,708 metric tons were recycled).
- 10 EPA sites reported composting organic material, 12 tons of material were diverted to composting.
- Of the 4 EPA sites that reported demolition projects, all of them stated that they include recovery of construction materials.

QUESTIONS BY CHAIRMAN GILLMOR

Question. What are the national percentages of recycling for waste plastics, glass, paper, and aluminum?

Answer. EPA's report, "Municipal Solid Waste in the United States: 2001 Facts and Figures Executive Summary," contains our most recent data. For 2001, recycling rates (as percent of each material generated as waste) were: Plastics—5.5%; Glass—19.1%; Paper—44.9%; and Aluminum—24.5%.

Question. For waste plastics, glass, paper, and aluminum, what percentages of these wastes go overseas as exports?

Answer. EPA does not collect data on material exports. For the year 2003, the U.S. Department of Commerce reports exports of:

402,270 metric tons of waste plastics (including polymers of ethylene, styrene, vinyl chloride, and polyethylene terephthalate),
23,900 metric tons of scrap glass,
4.2 million metric tons of scrap paper and paperboard, and
560,400 metric tons of aluminum scrap, including used beverage containers.

Question. For waste plastics, glass, paper, and aluminum, what is the diversion rate vs. the recycling rate?

Answer. EPA considers diversion as a combination of the recycling rate and source reduction rate. EPA has data on the national recycling rate for municipal solid waste streams and also has data on the per capita generation rate. The generation rate has been fairly constant over the last several years. It is 4.5 lbs per person per day. For 2001, the most recent year for which EPA has data, the recycling rates for these specific materials are presented above. For all municipal solid waste in 2001, the recycling rate was 29.7%.

QUESTION FROM REPRESENTATIVE SOLIS

Question. How much money was spent on educating underserved/minority communities on the benefits of recycling?

Answer. EPA has done outreach and education on recycling to Hispanics, African-Americans, American Indians, and the elderly. These activities are part of the Resource Conservation Challenge (RCC). The total amount spent by EPA Headquarters from 2002-2004 for outreach and education to these communities equals \$425,365. Anecdotal information indicates EPA's Regions have devoted additional resources to similar outreach efforts.

For Hispanic Americans, our outreach consists of initial start-up costs in convening focus groups to assess current outreach products and to develop a strategy that identified information gaps. The "You Dump It, You Drink It" Campaign was the first in a series of informational products aimed at the Hispanic community. This campaign encourages the safe management of used motor oil. EPA's next area of focus is the Household Hazardous Waste Campaign (HHW). Both campaigns include print and radio public service announcements (PSAs) and routinely exhibiting and distributing environmental information—in Spanish and in English—at a number of conferences that are focused on and/or attract large Hispanic audiences. EPA has also translated key documents into Spanish and made them available in print and electronically. For 2002-2004, EPA has spent \$200,365 on these activities.

For the African American urban community, EPA has developed several PSAs aiming to strengthen neighborhood support for recycling and sound waste management. The gospel group, Mighty Clouds of Joy, and Shauntay Hinton, Miss USA of 2002, recorded the PSAs, which were aired on 100 radio stations across the country. During 2002-2004, EPA spent \$100,000 on these efforts.

EPA does outreach to American Indians on recycling through the Tribal Journal. It also prepares brochures and fact sheets, and disseminates these materials at conferences that are focused on and/or attract large American Indian audiences. During 2002-2004, EPA spent \$100,000 on these activities.

A growing sector of the US population, the elderly, has also been the focal point of education and outreach on recycling. EPA's "Power of Change" (POC) Campaign encourages older Americans to get involved in environmental preservation, and to reduce, reuse, and recycle their waste. EPA's expenditures related to this community for this year, the first year we've dedicated resources towards this population, equal \$25,000. The POC Campaign is part of EPA's larger efforts to protect the health of Older Americans through its Aging Initiative.

QUESTION FROM REPRESENTATIVES SOLIS AND CAPPS

Question. What steps is EPA taking to increase the recycling rate?

Answer. EPA has designed and implemented numerous programs with the objective of increasing the recycling rate. In the development of these programs, we have targeted waste streams as well as specific sectors of society to increase the national recycling rate. All of these voluntary programs, which are encompassed by the RCC, contain technical assistance, public education and outreach, recognition and awards programs, fostering partnerships with diverse stakeholders and measuring successes. Some of our key programs are:

WasteWise: This is a voluntary partnership program with organizations, businesses, institutions, nonprofit organizations and Federal, State, Local and Tribal organizations. These organizations agree to increase their recycling rates and reduce their generation of their municipal solid waste stream. WasteWise is in its tenth year and has secured nearly 1400 partners who are reducing and recycling their municipal solid waste by millions of tons each year. In 2002, WasteWise was responsible for reducing nearly 7 billion pounds (3.5 million tons)—the equivalent of reducing 2.4 million tons of greenhouse gasses.

Greenscapes: This is a voluntary partnership program designed to encourage the recycling and reuse of materials used in large-scale landscaping projects. The voluntary program provides technical assistance to the partners about the cost savings and the specific ways to recycle and reuse materials. EPA is encouraging and awarding organizations to recycle tires, plastics, yard waste and other materials through the Greenscapes program. Greenscapes currently has more than 30 partners and allies. Our preliminary research indicates that over 12 million tons of yard waste could be composted, 63 million tons of tires could be used, and 12 million tons of plastic could be used to make products for outdoor landscaping.

Plug-Into E-Cycling: This is a voluntary partnership program with manufacturers, retailers, State and local government and NGOs designed to encourage the safe recycling of electronics, one of our fastest growing waste streams. Our initial emphasis is on TVs and computers. Pilots are well under way which will provide data and intelligence on how to scale-up the Plug-Into E-Cycling program and identify roles and responsibilities best suited for manufacturers, retailers, state and local governments and NGOs. Over 26 million pounds of electronics were collected in 2003—the first year of the Plug-In program.

Green purchasing: The Federal Electronics Challenge is a complementary effort in electronics directed towards the Federal Government. It is designed not only to increase the recycling of used electronics but also to encourage Agencies to buy “green” products and to use them more efficiently.

The Federal Government, with extraordinary purchasing power, can contribute to increasing the recycling rate. Under the Comprehensive Procurement Guidelines Program established by RCRA, EPA designates items with recycled content that the Federal Government should purchase. EPA has designated over 55 items made with recycled content, and in collaboration with the Office of the Federal Environmental Executive promotes the purchase of these items.

Executive Order 13101 directs the Office of the Federal Environmental Executive (OFEE) to prepare a biennial report to the President on agency implementation of the “greening the government” executive orders. Information from the latest report “*Leading by Example: A Report to the President on Federal Energy and Environmental Management (2000-2001)*”, depicts the following:

A number of Federal agencies continue to strengthen their efforts to meet the 35% waste diversion goal by putting in place aggressive recycling and waste prevention programs. Data reported by the six largest procurement agencies DOD, DOE, NASA, GSA, VA, and HHS, indicate that almost 90 percent of the offices in these agencies had recycling programs in place during 2001. Diversion rates for the six agencies varied from 10 to 50 percent. Both DOD and DOE exceeded the 35 percent national goal in FY 2001, reaching 36 percent and 54 percent, respectively. Both agencies include construction and demolition debris in their recycling program.

Federal agencies continue to purchase products that contain recycled material, and those purchases have steadily increased over the last decade. In FY 2001, the six largest procuring agencies Department of Defense (DOD), Department of Energy (DOE), National Aeronautics and Space Administration (NASA), General Services Administration (GSA), Department of Veterans Affairs (VA), the Department of Health and Human Services (HHS), and the United States Post Office (USPS), reported spending more than \$717 million on EPA-designated products, with and without recycled content. The amount spent on recycled content CPG items in FY 2001 was over \$490 million, or 68.3% of the purchases of those items. The Federal government is working to improve how it tracks and reports the purchases of such products.

Carpet Recycling: EPA has developed a partnership with the Carpet America Recovery Effort (CARE), industry and state and local government to accelerate the re-

cycling rate for carpeting. The Memorandum of Understanding for Carpet Product Stewardship represents a model for stewardship that can be applied to other products as well. The MOU reflects serious efforts from carpet manufacturers to develop market-based incentives, and to put more of their resources into recycling. In 2002, 4.7 million pounds of carpet discards were generated, and currently, 96% of waste carpet goes to landfills. Some manufacturers have indicated that they can reduce waste to landfill by 80 to 90%.

America's Marketplace Recycles: EPA has recently launched a voluntary partnership program together with International Council of Shopping Centers (ICSC) designed to increase recycling and promote environmental responsibility in shopping centers across the nation. With 94% of all Americans visiting a shopping center each month, these are excellent locations to promote and encourage recycling. Some of the waste streams targeted by this partnership are corrugated cardboard, shipping pallets, plastic pallet wrap, used beverage containers, organic materials, and construction and demolition materials. The partners include owners of shopping centers, retailers, manufacturers, state and local government and consumers.

Construction and Demolition Material: Huge amounts of construction materials are generated and potentially wasted during the construction, renovation and demolition processes, and EPA encourages reuse and recycling of these materials. EPA has focused in particular on the deconstruction of military bases. We have developed programs with the Army Corps of Engineers, the USDA Forest Products Lab, University of Florida, the Army Environmental Policy Institute and Austin TX Habitat for Humanity ReStore to develop innovative ways to reuse and recycle this material. One example: the University of Florida planned and executed the deconstruction of an old house on a local Utilities property. A planned expansion of a local facility for at-risk youth is using 8,000 pounds of materials salvaged from the deconstruction.

Tire Recycling: EPA has established a goal to recycle and/or reuse 85 percent of newly generated scrap tire and reduce the number of existing tire stockpiles by 55 percent. In 2001, 77.6% of the 281 million scrap tires were recycled. Our partners include State Departments of Transportation, the Federal Highway Administration, and the Rubber Manufacturers Association. The Philadelphia Tire Round Up Program is an example of federal and local governments working together to clean up tires while producing energy. Under this EPA designed program, the Philadelphia Streets Department and EPA teamed up with 20 neighborhood block captains and 17 community and civic groups to collect illegally dumped tires.

Request: Representative Capps requested to work with EPA in developing solutions for the declining recycling rate for plastics.

Response: EPA looks forward to working with Representative Capps on programs that are designed to increase the recycling rate for plastics. For information on existing programs that are designed to increase plastic recycling, please refer to the proceeding questions.

